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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/641,790      | 08/18/2000  | Carlos Neto Mendes   | M-95-3195-U.20-CIP  | 7305             |

7590

07/03/2002

George A Bode  
Bode & Associates PC  
2314 Broadway  
New Orleans, LA 70125-4128

EXAMINER

GERRITY, STEPHEN FRANCIS

ART UNIT

PAPER NUMBER

3721

DATE MAILED: 07/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/641,790

Applicant(s)

MENDES, CARLOS NETO

Examiner

Stephen F. Gerrity

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-17, 21-26 and 28-46 is/are allowed.
- 6) ☒ Claim(s) 1-6 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. as per schedule A.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

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## **DETAILED ACTION**

### ***Priority***

**1.** Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

An application in which the benefits of an earlier application are desired must be copending with the prior application or with an application similarly entitled to the benefit of the filing date of the prior application.

**2.** This application is not entitled to the benefits of 35 U.S.C. 120 for the earlier filed US applications 08/647,066; 08/681,627; 08/681,626; 08/759,723; 08/759,722; 08/759,727; 08/763,679; 08/884,529; and 09/028,187. These earlier filed US applications were not copending with earlier filed US applications 09/377,936 and 09/377,937. The chain of copendency is broken between the filing of the 09/377,936 and 09/377,937 applications and the pendency of application 09/028,187.

**3.** This application is likewise not entitled to the benefits of 35 U.S.C. 119 because the earlier filed US applications 08/647,066; 08/681,627; 08/681,626; 08/759,723; 08/759,722; 08/759,727; 08/763,679; 08/884,529; and 09/028,187 (in which priority under 35 U.S.C. 119 was claimed) were not copending with earlier filed US applications 09/377,936 and 09/377,937. Additionally, the filing dates of the foreign applications are

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each more than one year prior to the US filing date of this application as well as earlier filed US applications 09/377,936 and 09/377,937.

4. Applicant is required to cancel the references to the earlier filed applications 08/647,066; 08/681,627; 08/681,626; 08/759,723; 08/759,722; 08/759,727; 08/763,679; 08/884,529; and 09/028,187 from the specification. Likewise, applicant is required to cancel the references to the foreign applications. Correction is required, unless some corrective action is taken to make the earlier filed US applications 08/647,066; 08/681,627; 08/681,626; 08/759,723; 08/759,722; 08/759,727; 08/763,679; 08/884,529; and 09/028,187 copending with this application.

### ***Specification***

5. The abstract of the disclosure is objected to because it is of excessive length. Correction is required. See MPEP § 608.01(b).

6. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be

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implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

**7.** The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

**8.** The disclosure is objected to because of the following informalities:

- a.** pages 15 and 16, the brief drawing description for figure 1 is of excessive length;
- b.** page 16, lines 19 and 20, the expression "LINE A-A (OR "VISTA A-A")" needs to be changed to --LINE 2-2--;
- c.** page 22, line 19, "cuts" should be --cut--;
- d.** page 25, line 3, "the" (first occurrence) should be changed to --then--;
- e.** page 25, line 12, "cuts" should be --cut--;
- f.** page 31, lines 2 and 3, parentheses are needed around the numbers;
- g.** page 32, line 22, "cuts" should be --cut--;
- h.** page 34, lines 20 and 21, parentheses are needed around the numbers; and
- i.** page 37, line 3, "cuts" should be --cut--.

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Appropriate correction is required.

**9.** The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the central pin mentioned in claims 11 and 14 lacks proper antecedent basis in the written description.

### ***Drawings***

**10.** This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

**11.** The drawings are objected to because:

- a.** in figure 1, the view line "A-A" must be changed to --2-2--;
- b.** in figure 2, the expression "VISTA A-A" must be deleted;
- c.** in figure 4, the view line "A-A" must be changed to --5-5--;
- d.** in figure 5, the expression "VISTA A-A" must be deleted;
- e.** in figures 6 and 7, "Device 7" (as mentioned at page 28, line 11) should be labeled;
- f.** in figure 6, the expression "DETAIL A" must be deleted;
- g.** in figure 7, the view line "DETAIL A" must be changed to --6--;
- h.** in figure 8, the view line "B-B" must be changed to --9-9--; and

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- i. in figure 9, the expression "CUT BB" must be deleted.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

**12.** The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "central pin" (mentioned in claims 11 and 14) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

**13.** Claim 27 is objected to because a transitional phrase such as "wherein" appears to be missing in line 1 before the words "channel means". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

**14.** The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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**15.** Claims 1-6 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. These claims are omnibus type claims.

***Claim Rejections - 35 USC § 102***

**16.** The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**17.** Claims 19 and 20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Mendes (**EP 0757896**).

***Allowable Subject Matter***

**18.** Claims 7-17, 21-26 and 28-46 are allowed.

**19.** Claim 27 is objected to, but would be allowable if rewritten to overcome the objection set forth above in this Office action.

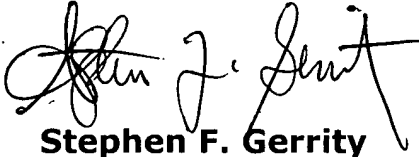
***Conclusion***

**20.** The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references set forth on the attached form PTO-892 are cited to show juice extracting and presses. All are cited as being of interest and to show the state of the prior art.



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**21.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Stephen Gerrity**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Rinaldi Rada**, may be contacted. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Group 3720** receptionist.



**Stephen F. Gerrity**  
**Primary Examiner**  
**Art Unit 3721**

Examiner's Telephone Number: (703) 308-1279  
Examiner's Regular Schedule: Mon-Fri 6:30-3:00  
Supervisor's Telephone Number: (703) 308-2187  
Receptionist's Telephone Number: (703) 308-1148  
Facsimile Telephone Numbers: (703) 872-9302  
(703) 872-9303 [after final only]

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